

United States District Court  
EASTERN DISTRICT OF WASHINGTON

**UNITED STATES OF AMERICA**

**V.**

**CRIMINAL COMPLAINT**

**ROBERT JAMES BARBEE**

CASE NUMBER: *MS-11-563*

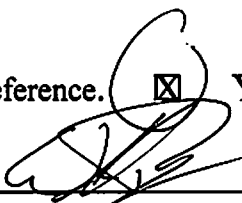
(Name & Address of Defendant)

I, the complainant in this case, state the following is true and correct to the best of my knowledge and belief.

That on or about and between January 4, 2011, and August 31, 2011, in the Eastern District of Washington, ROBERT JAMES BARBEE, a person required to register under the Sex Offender Registration and Notification Act, traveled in interstate commerce and did knowingly fail to register and update a registration, all in violation of 18 U.S.C. § 2250(a)..

This complaint is based on these facts:

Continued on the attached sheet incorporated herein by this reference. ☒ Yes ☐ No

  
\_\_\_\_\_  
Signature of Complainant William Downey  
Deputy U.S. Marshal, U.S. Marshals Service

Sworn to before me and signed in my presence

December 27, 2011

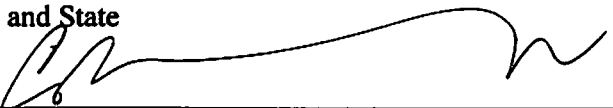
Date

Cynthia Imbrogno

United States Magistrate Judge

Name and Title of Judicial Officer

at Spokane, Washington  
City and State

  
\_\_\_\_\_  
Signature of Judicial Officer

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AUSA Assigned: MFD

*RE: Complaint and Arrest Warrant for Robert James BARBEE*

**AFFIDAVIT**

STATE OF WASHINGTON     )  
  :ss  
County of Spokane         )

William Downey, being first duly sworn on oath, deposes and states:

1. I am a Deputy with the United States Marshals Service (USMS), United States Department of Justice, currently assigned to the U.S. Marshals Office in Spokane, Washington. I have served as a Deputy U.S. Marshal for the past 16 years, with 13 of those years assigned to the Eastern District of Washington.
2. My regular duties as a Deputy U.S. Marshal encompass, among other tasks, the investigation of all violations of federal law and related criminal activities, including but not limited to, offenses contained within Title 18 of the United States Code. I additionally assist with the movement of prisoners; serve court-ordered summons and arrest warrants; and frequently investigate and apprehend federal fugitives. The following information is based on my own observations, training, experience, and investigation, together with information provided to me by other Deputy U.S. Marshals in my office.

Affidavit of William Downey

1 of 4

P11227RC.MDA.wpd

3. On April 19, 1994, Robert James BARBEE pled guilty to committing lewd and lascivious acts with a 13 year old child, in violation of California Penal Code Section 288(a), a felony. The offense as it was charged occurred on or about February 19, 1994, when Robert James BARBEE would have been 20 years old.

4. On May 17, 1994, Robert James BARBEE was sentenced to 180 days in jail, 5 years probation, and directed to "register as a convicted sex offender with the chief of police of the city or the sheriff of the county in which the defendant resides." Under California Penal Code Section 290(c), persons convicted of Section 288(a) are required to register. Under California Penal Code Section 290(b), registration is required for life.

5. On January 4, 2011, Robert James BARBEE registered with the Stockton Police Department as a transient, in San Joaquin County, California. As part of this registration, BARBEE acknowledged that if he moved to another state that he was required by federal law to register within three days in that state.

6. On August 31, 2011, "Robert J. Barbee," with date of birth of August 13, 1973, stayed the night at the House of Charity, located at 32 W. Pacific, Spokane, Washington.

Affidavit of William Downey

2 of 4

P11227RC.MDA.wpd

7. On September 24, 2011, Kristin Lee Hahnen filed a police report alleging *she was the victim of an attempted rape (en)* ~~she had been raped~~ at 1902 E. Riverside Avenue, Spokane, Washington. The *attempted rape (en)* suspect in the ~~rape~~ was later determined to be Robert James BARBEE.

8. On October 17, 2011, Kristin Lee Hahnen encountered Robert James BARBEE near Sonnenberg's grocery store on East Sprague; the Spokane Police Department was called and responded. Spokane Police Officer Scott Haney located Robert James BARBEE walking on 2nd Avenue, and contacted him. While speaking with Robert James BARBEE, he stated he had a parole warrant out of California, was homeless, and had been in Spokane for approximately five weeks.

9. On November 22, 2011, Deputy Downey checked the Washington State Patrol's "Alpha List," containing the names of all registered sex offenders in the state. Robert James BARBEE is not listed as being registered in Washington.

10. On December 13, 2011, Deputy Downey searched the "Offender Watch" database for Robert James BARBEE. Offender Watch is the database used by the Spokane County Sheriff's Office to register and monitor all sex offenders.

Although Robert James BARBEE was not listed as being registered anywhere in Washington, he was found to be registered in Stockton, California.

Affidavit of William Downey

3 of 4

F11227RC.MDA.wpd

11. On December 19, 2011, Spokane City Detective Brian Hamond spoke with Robert James BARBEE via telephone while the subject was incarcerated at the Rio Cosumnes Jail, in Elk Grove, California. Detective Hamond faxed a copy of the "Standard Rights Card," used by the Spokane Police Department to advise people of their constitutional rights under Miranda. The card was signed by Robert James BARBEE acknowledging that he understood and waived his rights, and Detective Hamond read Robert James BARBEE the card over the telephone. During the conversation, Robert James BARBEE stated he arrived in Spokane, Washington during the last part of August, and remained in Spokane until he was arrested in October, 2011, and extradited back to Sacramento.

12. Based upon the foregoing facts, I believe that probable cause exists for the issuance of a Criminal Complaint and arrest warrant for Robert James BARBEE, for violations of Title 18, U.S.C. Section 2250.

  
\_\_\_\_\_  
William Downey, Deputy U.S. Marshal  
U.S. Marshals Service

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
Cynthia Imbrogno  
United States Magistrate Judge

Affidavit of William Downey

4 of 4

P11227RC.MDA.wpd